

Order

Michigan Supreme Court
Lansing, Michigan

November 29, 2007

Clifford W. Taylor,
Chief Justice

134470

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 134470
COA: 276161
Oakland CC: 2001-178581-FC

HARRY JACOB WALTON,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the June 20, 2007 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted of: (1) whether the defendant was denied the effective assistance of counsel due to his attorney's failure to object when the Oakland Circuit Court did not sentence the defendant pursuant to the legislative sentencing guidelines, MCL 777.1, *et seq.*, and (2) whether the defendant is entitled to postappeal relief under MCR 6.501 *et seq.* In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court.

We do not retain jurisdiction.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

November 29, 2007

Corbin R. Davis

Clerk